

## REMARKS

Entry of the foregoing and reexamination and reconsideration of the subject application, as amended, pursuant to and consistent with 37 C.F.R. § 112, are respectfully requested in light of the following remarks.

Claims 31-43, 44-47 and 49-67 are pending in this application. Claims 1-36 were previously cancelled. Claim 44 was cancelled in this amendment.

Claims 31, 50, 55, 59, 60 and 61 have been amended to recite "at least one isocyanate function protected with a protecting group." Support for this amendment is found in cancelled claim 44, which has been incorporated into claim 31 and in the specification in page 11, line 6 - page 12, line 9. Claims 44 and 46 has been amended to depend from claim 31 rather than from cancelled claim 44.

No new matter has been added in making these amendments.

### **35 U.S.C. §102(b) prior art rejections**

Claims 31, 33, 43, 47, 49, 56 and 65 have been rejected under 35 U.S.C. §102(b) as being anticipated by McGrath et al. (U.S. Patent No. 3,639,649).

It is well established that in order to demonstrate anticipation over 35 U.S.C. § 102(b), each feature of the claim at issue must be found, either expressly described or under principles of inherency, in a single prior art reference. See, *Kalman v. Kimberly-Clark Corp.*, 218 USPQ 789 (Fed. Cir. 1983).

McGrath discloses a polyamide foam comprising a metal carbonate or bicarbonate as the foaming agent and an oxyacid of phosphorus. McGrath does not mention the use of a compound having at least one isocyanate function protected with a protecting group.

Claims 31, 33, 43, 47, 49, 56 and 65 of the instant application are not anticipated by McGrath because McGrath does not disclose the use of a compound having at least one isocyanate function protected with a protecting group.

Applicants respectfully submit that Claims 31, 33, 43, 47, 49, 56 and 65 are not anticipated by McGrath and the rejection should be withdrawn.

**35 U.S.C. § 103(a) Obviousness Rejections**

1. Claims 32 and 34 have been rejected under 35 U.S.C. § 103(a) as unpatentable over McGrath et al. (U.S. Patent No. 3,639,649) in view of Schönfeld et al. (U.S. Patent 5,760,147).

Applicants respectfully submit that Claims 32 and 34 are not obvious over McGrath et al. in view of Schönfeld.

To establish a *prima facie* case of obviousness, three basic criteria must be met. (M.P.E.P § 2143) First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

The relevant teachings of McGrath have been discussed above.

Schönfeld discloses a molding composition comprising: (1) at least one polyamide, and (2) at least one polymer containing sulfoxide groups. Schönfeld does not disclose the use of a compound having at least one isocyanate function protected with a protecting group.

To establish a *prima facie* case of obviousness, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. There is no suggestion or motivation in McGrath or Schönfeld to use a compound having at least one isocyanate function protected with a protecting group in the claimed composition. There cannot have been a reasonable expectation of success in obtaining the Applicant's invention when neither of the cited references teach or suggest the use of a compound having at least one isocyanate function protected with a protecting group. Absent such a teaching or suggestion, the affect of using such a compound in the claimed composition is unknown and such a change could affect the nature of the composition formed. The cited references do not teach or suggest all the claim limitations because they do not teach or suggest the use of a compound having at least one isocyanate function protected with a protecting group.

Therefore, in consideration of the foregoing, Applicants respectfully submit that Claims 32 and 34 are not obvious over McGrath in view of Schönfeld. Applicants therefore request that this rejection be withdrawn.

2. Claims 35 and 37 have been rejected under 35 U.S.C. § 103(a) as unpatentable over McGrath et al. (U.S. Patent No. 3,639,649) in view of Glück et al. (U.S. Patent 5,959,069).

Applicants respectfully submit that Claims 35 and 37 are not obvious over McGrath in view of Glück.

The teachings of McGrath have been discussed above.

Glück discloses H-shaped polyamides and their use in molded and extruded articles. Glück does not provide any teachings regarding expandable foam compositions or the combination of a polyamide with a compound having an acid function and a compound having at least one isocyanate function protected with a protecting group.

To establish a *prima facie* case of obviousness, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. There is no suggestion or motivation in McGrath or Glück to use a compound having at least one isocyanate function protected with a protecting group in the claimed composition. There cannot have been a reasonable expectation of success in obtaining the Applicant's invention when neither of the cited references teach or suggest the use of a compound having at least one isocyanate function protected with a protecting group. The combination of McGrath with Glück does not result in the claimed invention because neither of the cited references teach or suggest the use of a compound having at least one isocyanate function protected with a protecting group.

Therefore, in consideration of the foregoing, Applicants respectfully submit that Claims 35 and 37 are not obvious over McGrath et al. in view of Glück et al. Applicants therefore request that this rejection be withdrawn.

3. Claims 36 and 37 have been rejected under 35 U.S.C. § 103(a) as unpatentable over McGrath et al. (U.S. Patent No. 3,639,649) in view of Di Silvestro et al. (U.S. Patent 6,867,256).

Applicants respectfully submit that Claims 36 and 37 are not obvious over McGrath et al. in view of Di Silvestro et al.

The teachings of McGrath have been discussed above.

Di Silvestro discloses a copolyamide formed by reacting a plurifunctional monomer with at least one bifunctional monomer, where these monomers have specific formulas. Di Silvestro discloses the use of the copolyamides in molded and extruded articles. Di Silvestro does not provide any teachings regarding an expandable composition or the combination of a polyamide with a compound having an acid function and a compound having at least one isocyanate function protected with a protecting group.

There is no suggestion or motivation in McGrath or Di Silvestro to use a compound having at least one isocyanate function protected with a protecting group in the claimed composition. There cannot have been a reasonable expectation of success in obtaining the Applicant's invention when neither of the cited references teach or suggest the use of a compound having at least one isocyanate function protected with a protecting group. The combination of McGrath with Di Silvestro does not result in the claimed invention because neither of the cited references teach or suggest the use of a compound having at least one isocyanate function protected with a protecting group.

Therefore, in consideration of the foregoing, Applicants respectfully submit that Claims 36 and 37 are not obvious over McGrath et al. in view of Di Silvestro et al.

Applicants therefore request that this rejection be withdrawn.

4. Claim 38 has been rejected under 35 U.S.C. § 103(a) as unpatentable over McGrath et al. (U.S. Patent No. 3,639,649) in view of Bouquerel et al. (U.S. Patent 6,872,800).

Applicants respectfully submit that Claim 38 is not obvious over McGrath in view of Bouquerel.

The teachings of McGrath have been discussed above.

Bouquerel discloses hyperbranched copolyamides and their use as melt viscosity modifiers in producing yarns, fibers, films and molded parts. Bouquerel does not provide any teachings regarding an expandable composition or the combination of a polyamide with a compound having an acid function and a compound having at least one isocyanate function protected with a protecting group.

There is no suggestion or motivation in McGrath or Bouquerel to use a compound having at least one isocyanate function protected with a protecting group in the claimed composition. There cannot have been a reasonable expectation of success in obtaining the Applicant's invention when neither of the cited references teach or suggest the use of a compound having at least one isocyanate function protected with a protecting group. The combination of McGrath with Bouquerel does not result in the claimed invention because neither of the cited references teach or suggest the use of a compound having at least one isocyanate function protected with a protecting group.

Therefore, in consideration of the foregoing, Applicants respectfully submit that Claim 38 is not obvious over McGrath in view of Bouquerel.

Applicants therefore request that this rejection be withdrawn.

5. Claims 39-41 and 44-46 have been rejected under 35 U.S.C. § 103(a) as unpatentable over McGrath et al. (U.S. Patent No. 3,639,649) in view of Morishige et al. (U.S. Patent 5,817,425).

Applicants respectfully submit that Claims 39-41 and 44-46 are not obvious over McGrath et al. in view of Morishige et al.

The teachings of McGrath et al. have been discussed above.

Morishige discloses a layered polyamide film with a polyamide substrate. Morishige discloses using a polyamide obtained by polycondensation of a dibasic acid and a diamine. Morishige does not disclose a compound having at least one isocyanate function protected with a protecting group. Morishige is silent on an expandable foam composition.

There is no suggestion or motivation in McGrath or Morishige to use a compound having at least one isocyanate function protected with a protecting group in the claimed composition. There cannot have been a reasonable expectation of success in obtaining the Applicant's invention when neither of the cited references teach or suggest the use of a compound having at least one isocyanate function protected with a protecting group. The combination of McGrath with Morishige does not result in the claimed invention because neither of the cited references teach or suggest the use of a compound having at least one isocyanate function protected with a protecting group.

Therefore, in consideration of the foregoing, Applicants respectfully submit that Claims 39-41 and 44-46 are not obvious over McGrath et al. in view of Morishige et al.

Applicants therefore request that this rejection be withdrawn.

6. Claims 39 and 42 has been rejected under 35 U.S.C. § 103(a) as unpatentable over McGrath et al. (U.S. Patent No. 3,639,649) in view of Richards et al. (U.S. Patent 4,444,816).

Applicants respectfully submit that Claims 39 and 42 are not obvious over McGrath et al. in view of Richards.

The teachings of McGrath were discussed above.

Richards teaches cross-linking of polyamides using radiation. Richards does not disclose the use of a compound having at least one isocyanate function protected with a protecting group.

There is no suggestion or motivation in McGrath or Richards to use a compound having at least one isocyanate function protected with a protecting group in the claimed composition. There cannot have been a reasonable expectation of success in obtaining the Applicant's invention when neither of the cited references teach or suggest the use of a compound having at least one isocyanate function protected with a protecting group. The combination of McGrath with Richards does not result in the claimed invention because neither of the cited references teach or suggest the use of a compound having at least one isocyanate function protected with a protecting group.

Therefore, in consideration of the foregoing, Applicants respectfully submit that Claims 39 and 42 are not obvious over McGrath et al. in view of Richards.

Applicants therefore request that this rejection be withdrawn.



In view of the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order. Such action is earnestly solicited.

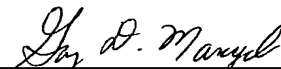
In the event that there are any questions related to this response, or the application in general, it would be appreciated if the Examiner would telephone the undersigned attorney at the below-listed telephone number concerning such questions so that prosecution of this application may be expedited.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: October 15, 2009

By:

  
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